IN THE HGIH COURT OF UTTARANCHAL AT NAINITAL

Wirt Petition No. 761 (M/B) 2003

1. Madho Singh S/o Sri Bishan Lal,
2. Ram Chander S/o Sri Hira Lal,
   Both R/o village Chandranagar, The. Ramnagar,
   Distt. Nainital.
3. Ram Nath S/o Sri Mehar Chand,
4. Makhan Singh S/o Sri Mehar Chand,
5. Smt. Bimla devi W/o Sri Raj Kumar,
   All R/o village Chandra Nagar, Naraninpur,
   The. Ramnagar, Dsitt. Nainital …]Petitioners

Vs.

1. State of Uttaranchal through,
   Chief Secretary, Govt of Uttaranchal,
   Dehradun,
2. Collector, Nainital ……]Respondents

Mr. Jagdish Prasad, Advocate for the petitioners.]
Mr. N.B. Tewari, Learned C.S.C. for the State.]

Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble Rajesh Tandon, J.

Date: 01st of September 2003:

PC:

On 13th December 1956 there was a transfer of 3300 acres of forest land in Ramnagar Forest Division to the Irrigation Department for construction of Tumeria reservoir. In 1972, State of U.P. constructed Tumeria reservoir. The agriculturists of district Rampur, thereafter requested State of U.P. to provide irrigation facility to them. This proposal was accepted by the State of U.P. in 1973-74 and canals were constructed in which, lands of 25 agriculturists, were affected. These 25 persons were persuaded to allow construction of canals and, in lieu thereof, they were given in lands in exchange as per the list given in Annexure-2. This was in November 1976.

By this writ petition, petitioners, whose names appear in Anneuxure-2, seek a writ of mandamus directing respondent No. 1 to include 151 acres of land given to them in revenue village Chandra Nagar, Tehsil-Ramnagar, District Nainital. The proposal has been recommended by Assistant Collector and also by the Assistant Engineer of the Irrigation Department. Without such inclusion, the petitioners do not get amenities. Without inclusion they cannot raise loans from financial institution and banks. Despite several representations, the Government has not acted.

In the circumstances, we direct the Revenue Secretary, State of Uttaranchal to decide the petitioner' representation claims mentioned in this petition, within eight weeks from receipt of this order. The Revenue Secretary will pass an order in accordance with law. If the order is against the petitioners, liberty is given to the petitioners to move this court once again.

Subject to above, writ petition is disposed of.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**